



JUL - 2 2001

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CERTIFIED MAIL--
RETURN RECEIPT REQUESTED

Mr. Roger Brock
1510 79th Avenue North
Saint Petersburg, FL 33702

Re: Request for Information Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9604(e), concerning the United States Avenue Burn Site on United States Avenue, and the Hilliard's Creek Site along Gibbsboro/Kirkwood Road, located in the Borough of Gibbsboro, Camden County, New Jersey

Dear Mr. Brock:

This letter seeks your cooperation in providing information and documents relating to the United States Avenue Burn Site and the Hilliard's Creek Site (the "Sites") located on United States Avenue and along Gibbsboro/Kirkwood Road, respectively, all in the Borough of Gibbsboro, Camden County, New Jersey. At this time, the Sites consists of, but may not be limited to, Block 23, Lot 1, Block 25, Lot 1 and Block 19.02, Lot 1 (United States Avenue Burn Site), and Block 8.01, Lots 3.01 and 3.03, Block 19.01, Lots 1, 1.01, and 1.07, Block 20, Lot 1, Block 27, Lot 2, Block 58.01, Lots 1.01, 1.02, 2.01, 2.02, 6.01, 6.04, 7.01, 8.01, 8.03, 9.01, 9.02, 9.03, 9.04, 9.05, 9.06, 9.07, 9.08, 10, 11.02, 12.01, and 13.01, Block 59.01, Lots 3.01, 3.02, 4.01, 4.02, and 5, and Block 59.05, Lot 24 (Hilliard's Creek Site) on the Borough of Gibbsboro's Tax Maps. We encourage you to give this letter your immediate attention. A complete and truthful response to the enclosed Request for Information should be provided to the United States Environmental Protection Agency ("EPA") within 30 days from the date of your receipt of this letter.

EPA has conducted response activities pursuant to our authorities under the federal "Superfund" law (the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. Sections 9601-9675 ["CERCLA"]) addressing the release and threat of release of hazardous substances at the Site. To date, EPA has taken actions at the Site including: construction of chain-link fences, placement of silt fencing in certain areas, and the collection of samples. EPA has identified hazardous substances, pollutants, or contaminants, at this location which include, but may not be limited to: arsenic,

lead, antimony, barium, cadmium, chromium, copper, and mercury. Further response actions are necessary to address the investigation and treatment and/or disposal of the contaminated materials which remain at the Site.

Under Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e), EPA has broad information-gathering authority which allows EPA to require persons to provide information and/or documents relating to the materials generated, treated, stored, or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from such a facility, as well as the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, your compliance with the Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included in the enclosed Request for Information, including the requirement of supporting your claim of confidentiality.

If you have information about other parties who may have information which may assist EPA in its investigation of the Site or who may be responsible for the contamination at the Site, that information should be submitted to EPA within the time frame noted above.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our information request, it is necessary that you promptly notify EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Sections 3501-3520.

Your response to this Request for Information should be mailed to:

Emmet Keveney
Remedial Project Manager
New Jersey Remediation Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
290 Broadway, 19th Floor
New York, N.Y. 10007-1866

with a copy to:

Carl R. Howard, Esq.
New Jersey Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 16th floor
New York, NY 10007-1866

If you have any questions regarding the Request for Information, or would like to discuss this matter with EPA, you may call Mr. Keveney at (212) 637-3916 or have your attorney call Mr. Howard at (212) 637-3216.

We appreciate and look forward to your prompt response to this Request for Information.

Sincerely yours,

Janet Conetta
Strategic Integration Manager
Emergency and Remedial Response Division

Enclosure

bcc: Thomas Budroe, MS211 w/encl.
Bonita Green, MS-211 w/encl. ✓
Carl Howard, EPA-ORC w/encl.
Emmet Keveney, ERRD-NJRB w/encl.
Richard Savino, R2OSWSF1 w/encl.

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question.
2. Identify each answer with the number of the question to which it is addressed.
3. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
4. In preparing your response to each question, consult with all present and former employees and agents of your Partnership whom you have reason to believe may be familiar with the matter to which the question pertains.
5. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
6. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.
7. If you have reason to believe that an individual other than one employed by your Partnership may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number, and the reasons for your belief.
8. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
9. If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.
10. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.
11. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets.

You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7), and 40 C.F.R. Section 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim to be confidential, you must separately address the following points:

- a. the portions of the information which are alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such

claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e), and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

B. Definitions

1. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA are set forth at 40 C.F.R. Part 302. "Hazardous substance" shall also mean such substances referred to in the preceding statutory references, by whatever names the substances were known, prior to their designation as hazardous substances in 1980.
2. As used herein, the terms "disposal", "hazardous waste", and "storage" shall have the meaning set forth in Sections 1004(3), (5), and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Sections 6903(3), (5), and (33), respectively.
3. The term "you" shall mean the addressee of this Request for Information, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns or agents.
4. As used herein, the terms "the Partnership" or "your Partnership" refer not only to your Partnership as it is currently named and constituted, but also to all predecessors in interest of your Partnership and subsidiaries, divisions and branches of your Partnership or of its predecessors.
5. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these questions information which might otherwise be construed to be outside of their scope.
6. As used herein, the term "industrial waste" shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:
 - a. it contains one or more hazardous substances (at any concentration) as defined in 42 U.S.C. Section 9601(14);

- b. it is a "hazardous waste" as defined in 42 U.S.C. Section 6903(5);
 - c. it has a ph less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it easily ignites or explodes;
 - g. it is an industrial waste product;
 - h. it is an industrial treatment plant sludge or supernatant;
 - i. it is an industrial byproduct having some market value;
 - j. it is coolant water or blowdown waste from a coolant system;
 - k. it is a spent product which could be reused after rehabilitation; or
 - l. it is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.
7. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA, 42 U.S.C. Section 9601 (33), and includes any mixtures of such pollutants or contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.
8. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. Section 9601 (22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, disposing into the environment, including the abandonment or discarding of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
9. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including, but not limited to, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording or any type of device, any punch card, disk or tape or other type of memory generally associated with computers and data processing (together with the programming

instructions necessary to use such computer memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosure with any document, and (e) every document referred to in any other document.

10. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question.
11. As used herein, at this time, the term "United States Avenue Burn Site" shall refer to, but may not be limited to, the area identified on the municipal tax map in the Borough of Gibbsboro, New Jersey, in and around, Block 22, Lot 1, Block 23, Lot 1, Block 25, Lot 1 and Block 19.02, Lot 1. The term "Hilliard's Creek Site" shall refer to, but may not be limited to, the area identified on the municipal tax map in the Borough of Gibbsboro, New Jersey, in and around, Block 8.01, Lots 3.01 and 3.03, Block 19.01, Lots 1, 1.01, and 1.07, Block 20, Lot 1, Block 27, Lot 2, Block 58.01, Lots 1.01, 1.02, 2.01, 2.02, 6.01, 6.04, 7.01, 8.01, 8.03, 9.01, 9.02, 9.03, 9.04, 9.05, 9.06, 9.07, 9.08, 10, 11.02, 12.01, and 13.01, Block 59.01, Lots 3.01, 3.02, 4.01, 4.02, and 5, and Block 59.05, Lot 24. "Sites" will refer to the United States Avenue Burn Site and/or the Hilliard's Creek Site. The term "former paint manufacturing plant" shall refer to, but may not be limited to, the area identified on the municipal tax map in the Borough of Gibbsboro, New Jersey, in and around, Block 8.02, Lot 3.01; Block 8.03, Lot 6.01; Block 8.01, Lots 2, 2.01, 3, 3.01, 3.02, 3.03, 3.04, 3.05, 3.06, 4 and 5; Block 8.04, Lot 6; and Block 19.01, Lots 1.01 and 1.07.
12. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.
13. The term "identify" means, with respect to a partnership, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g. partnership, partnership, etc.), and a brief description of its business.
14. The term "identify" means, with respect to a document, to provide its customary business description, its date, its

number if any (invoice or purchase order number), the identity of the author, address or, addressee and/or recipient, and the substance or the subject matter. Your Partnership can provide a copy of any document in lieu of so describing it.

15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.
16. As used herein, the "Sherwin-Williams plant" or the "Gibbsboro plant" shall refer to all operations in Gibbsboro, Voorhees, and Lucaston, New Jersey relating to Sherwin-Williams and John Lucas Company, Inc. facilities and all their predecessors in interest of the Sherwin-Williams Company (the "company" as defined in paragraph 8, below) and all subsidiaries, divisions, affiliates and branches of the Sherwin-Williams Company.
17. As used herein, the term "the company" refer not only to the Sherwin-Williams Company, Inc. as it currently is named and constituted, but also to all predecessors in interest of the Sherwin-Williams Company, Inc. as well as all subsidiaries, divisions, affiliates and branches of the Sherwin-Williams Company, Inc. or its predecessors.

REQUEST FOR INFORMATION

1. State your full name, your mailing address, and the specific Blocks and Lots that you and/or your partnership currently own or owned in the past in the Borough of Gibbsboro, NJ and the name, address, and telephone number of the individuals to whom you and/or your partnership sold the Blocks and Lots to.
2.
 - a. State the correct legal name and mailing address of your Partnership.
 - b. State the name(s) and address(es) of the General Partners of the Partnership.
 - c. If your Partnership is a subsidiary or affiliate of another partnership, identify each such entity and its relationship to the Partnership and state the name(s) and address(es) of each such entity's General Partners.
 - d. Identify the date that the Partnership was established, the State in which it was established, and the agent for service of process in the state of establishment and in New York State for your Partnership and each entity identified in your response to question 2.c. above.
 - e. Please provide a copy of the Certificate of Partnership as well as the Partnership Agreement for your Partnership.
 - f. In identifying a partnership that no longer exists, provide all the information called for in Questions 2a. through 2.e, above. If your company did business under more than one name, each name should be designated.
3. In a January 31, 1997 "Certification" given to the law firm, Crummy, DelDeo, Dolan, Griffinger & Vecchione, you indicated that you added a connection to city water in or about 1981.
 - a. Describe in detail how the connection to the city water was made, such as excavations and backfilling needed to connect to the city water. Specify the exact date that the connection to the city water was made. Specify the approximate area where the connection was made on a map of the property. Specify if soil was excavated, and if so, was the excavated soil re-used for backfilling purposes after the connection was completed?

- b. Were any indications of chemical releases observed by you and/or any representative of your partnership, or anyone hired by you and/or your partnership during the connection to the city water such as, but not limited to, odors, sheens, discoloration, bubbling surfaces/water, etc.? If so, describe in detail these observations, identify all persons at the site during the connection to the city water, and the specific date of these observations and submit all relevant documentation.
 - c. If observations were made, did you and/or your partnership, or anyone hired by you and/or your partnership notify any Town, County or State regulatory agencies? If so, provide the specific dates of the notification, what the notification entailed and a copy of all relevant documentation.
4. Were any indications of chemical releases observed by you and/or any representative of your partnership, prior to, during, or subsequent to, your purchase of the Blocks and Lots specified in your response to questions 1. and 2., above, such as, but not limited to, odors, sheens, discoloration, bubbling surfaces/water, etc.?
- a. If so, describe in detail these observations, identify all persons at the site, and the specific date of these observations and submit all relevant documentation.
 - b. If observations were made, did you and/or your partnership, or anyone hired by you and/or your partnership notify any Town, County or State regulatory agencies? If so, provide the specific dates of the notification, what the notification entailed and a copy of all relevant documentation.
5. Describe in detail your and/or any representative of your partnership's business transactions with Robert Scarborough during the period that Robert Scarborough sought to purchase specific Blocks and Lots from you.
- a. Specify the exact Blocks and Lots Robert Scarborough sought to purchase and the date(s) that he discussed purchasing these Blocks and Lots from you and/or your partnership.
 - b. Specify who requested that an environmental assessment or soil sampling be conducted for the Blocks and Lots Robert Scarborough wished to purchase. Specify why sampling was being conducted. Provide a copy of all relevant documents (e.g., sampling and analysis reports, engineering drawings

of sampling points, contracts, etc.), including the nature of each activity and the costs incurred for each activity.

c. Summarize the results of the environmental assessment/soil sampling on your and/or your partnership's property. Specify the dates that sampling occurred, the number of samples taken, what constituents were specifically sampled for, and the results of the sampling. Submit all relevant documentation related to the assessment/sampling activities.

d. Provide the name of the individuals or contractors used in any environmental assessment/soil sampling including a point of contact, address and telephone number.

e. Did you and/or any representative of your partnership, or anyone hired by you and/or your partnership and/or Robert Scarborough notify any Town, County or State regulatory agencies of the results of the environmental assessment/soil sampling? If so, provide the specific dates of the notification, what the notification entailed and a copy of all relevant documentation.

f. Identify each person (including company, individual, partnership, etc.) having knowledge of the facts relating to any environmental assessment and/or soil sampling identified in response to all of the above questions. For each person identified, provide the name, address and telephone number of that person and the basis of your belief that he or she has such knowledge.

6. In a January 31, 1997 "Certification" given to the law firm, Crummy, DelDeo, Dolan, Griffinger & Vecchione, you indicated that you observed grading and excavating occurring at the former paint manufacturing plant in the early 1980s.

a. You mentioned grading and excavating activities occurring over a two day period. Do you know the specific dates that grading and excavating activities were being conducted?

i. Describe in detail your observations of the grading and excavating activities and any other construction activities that were conducted, such as, but not limited to, demolition or construction of buildings/structures. Provide the name of any individuals, construction companies, haulers or contractors that you observed being used in the grading, excavation and/or construction activities including a point of contact, address and telephone number, if possible.

ii. Were any indications of chemical releases observed by you and/or any representative of your partnership, during the grading, excavation and/or construction activities being conducted at the former paint manufacturing plant, such as, but not limited to, odors, sheens, discoloration, bubbling surfaces/water, etc.? If so, describe in detail these observations and the specific date of these observations and submit all relevant documentation.

b. You mentioned that truck drivers would leave the former paint manufacturing plant with loads of dirt and return within 15 minutes. Did you personally see where these truck drivers disposed of the dirt? If so, describe in detail the location(s). Are you certain that the trucks departing the former paint manufacturing plant were the exact same ones entering the former paint manufacturing plant 15 minutes later, or might the trucks you observed entering 15 minutes later be a totally separate group of trucks?

c. You mentioned that truck drivers involved in the removal of truck loads of dirt would stop in for refreshments at your tavern on numerous occasions. Further, that these truck drivers stated that some of the locations where they were dumping their truck loads of dirt were in the general vicinity of the tavern.

i. Did you personally see where these truck drivers dumped dirt in the vicinity of your tavern? Did you visit the locations where the truck drivers indicated they dumped their truck loads of dirt? If so, describe in detail the location(s) and what you observed.

ii. Are you aware of any other individuals who visited or observed the location(s) where the truck drivers disposed of their loads of dirt? If so, provide the name, address and telephone number of each individual and the basis of your belief that he or she has such knowledge.

iii. Do you recall the names of any of the truck drivers who mentioned where they were dumping their loads of dirt or the name of the truck companies/haulers that the truck drivers worked for? If so, please provide the names and any known addresses of these individuals and/or companies/haulers that you are aware of.

iv. Did any of the truck drivers who stopped into your tavern mention to you observing any chemical releases

during the grading, excavation and construction activities being conducted at the former paint manufacturing plant, such as, but not limited to, odors, sheens, discoloration, bubbling surfaces/water, etc.? If so, describe in detail these observations, the specific date of these observations, the names of the individuals who observed them and submit any relevant documentation, if possible.

7. State the name(s), address(es), telephone number(s), title(s) and occupation(s) of the person(s) answering this "Request for Information" and state whether such person(s) has personal knowledge of the answers. In addition, identify each person who assisted in responding to the "Request for Information". Specify the question for which each person provided assistance in responding.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my Partnership is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the Partnership's response thereto should become known or available to the Partnership.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this
____ day of _____, 2001.

Notary Public